

Serial No. 09/177,047

Customer No. 26874

**Status of Claims**

Claims 22-27, 29, 31, 34, 35, 40, 41 are 63-66 are pending in this application. Claims 23-25, 27, 29, 31, 34, 35, 40, 41, 64 and 65 have been withdrawn from consideration, leaving claims 22, 26, 63 and 66.

**Remarks**

In the June 12, 2008, Office Action, the Examiner rejected claims 22, 26, 63 and 66 under 35 U.S.C. §102(b) as being anticipated by Allen et al, USP 4,222,564 or Busch, USP 4,222,564. For the reasons stated below, Applicant submits that these rejections are not supported by a proper interpretation of the references and pending claims, and therefore the rejections must be withdrawn.

**Allen USP 4,222,564**

The Examiner asserts that Allen discloses a firearm monitoring device. However, Allen does not disclose a firearm monitoring device: Allen discloses a scoring target system that monitors impacts on targets. The system provides “hit data”, c. 1, l. 9: It does not count discharges from any firearm used with the targets, but instead counts the number of times a target is impacted in a manner that does not generate a signal longer than a predetermined time period. The distinction is very simple to appreciate. If the person firing a firearm fails to hit the target, there is a discharge of the firearm but the system will not provide any indication that the firearm has been discharged.

The Examiner in essence is asserting that a device which watches anything even remotely related to a firearm is a firearm monitor. The problem with such an assertion is that there is not a substantial direct correlation between the discharge of a firearm and the number of impacts on a target. For example, applying the Examiner’s reasoning, a system that weighs a person carrying bullets and the firearm before and after target practice, and determines the number of bullets shot by the weight difference is a firearm monitor. A system which does not monitor the discharge of the firearm directly is not a firearm monitor.

The Examiner asserts that Allen discloses an inertia sensor. However, the present claims recite an inertia sensor or switch “configured to generate at least one first signal in response to substantially each discharge” of the firearm. As stated above, Allen discloses a “hit sensor” which generates a signal in response to an impact on a target: It is not configured to generate a signal in response to any discharge of the firearm, let alone in response to “substantially each discharge” of the firearm.

The Examiner next asserts that the Allen device comprises “generating a second signal indicative of the number of firearm discharges”. Although the Allen device does generate a second signal, that signal can only be indicative of the number of certain impacts on the target being monitored. The Allen device generates a signal indicative of the number of hits on the target.

The Examiner concludes with asserting that the Allen device “ignores any signals generated within a time period after the first signal”, referencing column 9, line 59 through column 10, line 2. However, the present claims recite that the electrical circuit is “configured to ignore any signals generated by the inertia sensor (or switch) within a predetermined time period following the generation of an initial one of a series” of first signals. However, Allen does not disclose a system that ignores subsequent signals: Allen discloses a system that ignores signals that last longer than predetermined time. As indicated at column 9, lines 55-58, the circuit blocks target hit signals having a duration greater than the duration of the output of reference generator 530, 10 milliseconds in the embodiment disclosed. As indicated by Allen, only if a signal from a hit sensor (*i.e.*, indicating some impact on the target) lasts less than 5 milliseconds will a second signal be generated and supplied to a counting circuit. In particular, only if the signal applied to amplifier 532 due to an impact on a target is less than 5 milliseconds, will amplifier 532 pass a signal to pulse generator 533, which generates a signal in response. If the signal applied to amplifier 532 due to an impact on a target is greater than 5 milliseconds, amplifier 532 will not pass a signal to pulse generator 533. There is nothing in Allen that indicates once a first signal has been generated that counting of subsequent signals is inhibited.

**Busch USP 4,222,564**

In regard to Busch, the Examiner also asserts that Busch discloses a firearm monitoring system. However, as with Allen, Busch discloses an apparatus for hit scoring targets: The Busch device counts hits on a target, and includes a second sensor so that hits on the base of the target are not counted as hits on the target. Busch does not disclose a firearm monitor.

The Examiner asserts that Busch discloses an inertia sensor. However, as stated above, the present claims recite an inertia sensor or switch “configured to generate at least one first signal in response to substantially each discharge” of the firearm. As mentioned above, Busch

discloses a sensor which generates a signal in response to an impact on a target or a target base: It is not configured to generate a signal in response to any discharge of the firearm, let alone in response to "substantially each discharge" of the firearm.

The Examiner next asserts that the Busch device comprises "generating a second signal indicative of the number of firearm discharges". Although the Busch device does generate a second signal, that signal can only be indicative of the number of impacts on the target being monitored. The Busch device generates a signal indicative of the number of hits on the target.

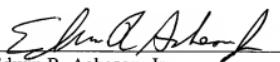
The Examiner concludes with asserting that the Busch device "ignores any signals generated within a time period after the first signal". The Busch disclosure, however, fails to disclose a first signal which is generated in response to substantially each discharge of the firearm being monitored.

#### **Conclusion**

Applicant believes that the Examiner's rejection based on anticipation must be withdrawn, and respectfully request that this application be allowed. Applicant requests that if there are any issues remaining after consideration of these Remarks, that he Examiner contact the Applicant's attorney at (513)651-6708.

Respectfully submitted,

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